

Title V Reports - Common Errors

1. The Compliance Certification is not signed by a responsible official.

Virginia Regulations 9 VAC 5-50-110K(1) require that any compliance certifications, testing, monitoring, reporting, or any document required to be submitted to DEQ shall contain a certification by a responsible official. The certification must include a signed statement that information contained in the document is true, accurate, and complete.

2. The Compliance Certification does not identify the compliance periods.

Each Compliance Certification form, developed by the DEQ, has a space provided to identify the period of time covered by the report. The compliance period must be identified in order for the certification to be valid.

3. The Annual Compliance Certification was submitted to DEQ but not to EPA.

The Title V Annual Compliance Certification must be submitted to **both** DEQ and EPA. The address for EPA Region III is:

Clean Air Act Title V Compliance Certification (3AP00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

4. The Annual Compliance Certification failed to include deviations previously reported on the Semi-Annual Monitoring Report.

The Annual Compliance Certification must include all deviations reported during the previous twelve month period. Any deviations identified in the Semi-Annual Monitoring Reports must be included in the Annual Compliance Certification. Any alleged violations (e.g. warning letters, notices of violation, consent orders, etc.) initiated by DEQ, or EPA, must also be acknowledged in both the Semi-Annual Monitoring Report, and the Annual Compliance Certification.

5. Deviations were reported to DEQ, but not identified on the Semi-Annual Monitoring Report.

Any deviation discovered, must be included in the Semi-Annual Monitoring Report. This requirement includes excess emissions (as reported in quarterly excess emission reports), fuel certifications, MACT conditions (as reported in semi-annual MACT reports), malfunctions (as reported and documented in a letter or excess emission report), failure to monitor, or stack testing which does not demonstrate compliance.

6. Deviations referenced by other documents were not included with the Annual Compliance Certification.

If deviations were discovered, and referenced in a document not previously reported (e.g. stack testing, visible emission evaluations, laboratory analysis, etc.) a copy of the document must be included with the Annual Compliance Certification. In the case of a stack test, it is not necessary to include the entire report. However the summary page, showing actual emissions versus permitted limits, should be included.

7. The Compliance Certification was not received prior to the due date.

Each Title V permit specifies when the Annual Compliance Certification and Semi-Annual Monitoring Report need to be submitted. The Compliance Certification must be received by the referenced due date, or at a minimum, postmarked prior to the due date. This is significant in cases where the due date falls on a weekend. DEQ strongly advises facilities to maintain documentation of the date the Compliance Certification was submitted to DEQ and the U.S. EPA. *Sources should also be aware that failure to submit the Compliance Certification on time is a deviation from a permit condition and must be included in the next Compliance Certification.*

8. The Compliance Certification was not carefully reviewed before submitting.

All permit conditions, all deviations from those conditions, the means of determining compliance, and the compliance status of each condition should be carefully reviewed before submitting the Compliance Certification. The responsible official is certifying, under penalty of law, that all information presented is true, accurate, and complete. If a discrepancy is discovered, after the Compliance Certification is submitted, contact the Air Compliance Manager at the nearest DEQ regional office and submit an amended Certification.

9. Errors in reporting Continuous versus Intermittent Compliance.

The Annual Compliance Certification requires the facility to evaluate each individual permit condition as to whether compliance was *continuous* or *intermittent*. The compliance status must be based on the entire reporting period (12 months). If there were some gaps in monitoring, emissions limits were exceeded, or deviations were reported at any time in the year, the compliance status should be listed as intermittent.

Continuous compliance means all monitoring data was collected under the data collection frequency required by the permit with no deviations, and no information that indicates deviations. Monitoring data includes information from instrumental (e.g. CEMS, COMS, or parameter monitors) and non-instrumental (e.g. visual observations, inspections, record-keeping) forms of monitoring.

Intermittent compliance means that a permit condition was not complied with or a deviation occurred some time during the reporting period.

10. All certifiable permit conditions were not listed in the Compliance Certification.

Each certifiable permit condition must be identified, along with the corresponding permit condition number. Certifiable conditions are those that require, or have required, some action by the source. Examples would include record keeping, monitoring, notifications, observations, inspections, calculations, and testing. Conditions that are included in the permit which inform about underlying regulations such as property rights, federal enforceability, severability and duty to comply, are not certifiable unless the source has had to take action in reference to them.